

**REMARKS**

Claims 10-17 were the subject of a restriction requirement. The Examiner's suggestion that the monitoring step may not necessarily be performed by a computer when the monitoring step expressly recites, "by a computer", seems in direct conflict with MPEP 2106. Applicants respectfully assert that the Examiner is going beyond the broadest possible meaning of the claim, particularly since the preamble makes clear that the claim is directed to a computer implemented method. Applicant respectfully requests additional reconsideration of the restriction requirement by the Examiner.

Claims 1-8 stand rejected under 35 USC 101, the basis for this rejection being that the Examiner believes that the method may be completed by hand. Applicants respectfully traverse this suggestion for the reasons above. Claims 1-8 are directed to a computer implemented method, as defined by MPEP 2106, which achieves a practical application, namely, automatically performing transaction for a user by a computer of the user based upon information collected by the computer about the user.

Claims 1-8 stand rejected under 35 USC 102 as anticipated by Sathyanarayan or Tuzhilin. Applicants have cancelled claims 4 and 5 and amended claims 1-3 and 6-8.

Sathyanarayan disclose a method of enhancing user searching by creating a user profile. A profile agent 200 mines data from the user's PC, data that determines user preferences for types of web sites and types of information the user typically tries to find. A web portal on a web server uses the user's profile data to obtain more relevant search results.

With respect to claim 1, Sathyanarayan fails to disclose the steps of:

- monitoring web transaction patterns of an individual by a computer of the individual;
- creating individual transaction profile data based on said monitoring by the computer; and
- performing a transaction automatically in accordance with the individual's request and based on the individual transaction profile data by the computer.

Sathyanarayan fails to disclose gathering user information for completing transactions as claimed. Further, Sathyanarayan fails to disclose use of mined data by the user's PC and under control of the user. Sathyanarayan

teaches use of mined data by a web server running a web portal.

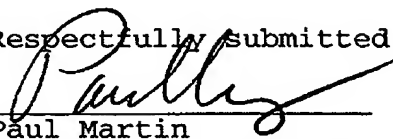
Tuzhilin teaches creation of dynamic user profiles. In a web embodiment, a web site varies web content presented to the user based upon the user's dynamic user profile. Thus, as with Sathyanarayan, a server uses the profile information and makes purchase recommendations to the user, rather than the user's own computer.

With respect to claim 1, Tuzhilin fails to disclose the steps of:

- monitoring web transaction patterns of an individual by a computer of the individual;
- creating individual transaction profile data based on said monitoring by the computer; and
- performing a transaction automatically in accordance with the individual's request and based on the individual transaction profile data by the computer.

Applicants now respectfully request that the Examiner withdraw the restriction requirement and allow the pending claims.

Respectfully Submitted,



Paul Martin  
Attorney for Applicants  
(937) 445-2990

Dayton, OH

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